

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALISON J. SHELMAN and  
KEVIN L. SHELMAN,

Defendants.

No. 4:18-CV-01397

(Judge Brann)

**MEMORANDUM OPINION**

**OCTOBER 15, 2018**

On July 16, 2018, the United States of America filed a foreclosure action against Defendants.<sup>1</sup> The Clerk of Court entered default against Defendants on October 12, 2018.<sup>2</sup> The United States now moves for entry of default judgment against Defendants under Federal Rule of Civil Procedure 55(b).<sup>3</sup>

The United States Court of Appeals for the Third Circuit has noted that “[w]hen a defendant fails to appear[,] . . . [this Court] is authorized to enter a default judgment based solely on the fact that the default has occurred.”<sup>4</sup> Because

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<sup>1</sup> ECF No. 1.

<sup>2</sup> ECF No. 9.

<sup>3</sup> ECF No. 6.

<sup>4</sup> *Anchorage Associates v. Virgin Islands Bd. of Tax Review*, 922 F.2d 168, 177 n.9 (3d Cir. 1990).

the factual allegations of United States' complaint establishes a right to relief,<sup>5</sup> and because a sum certain amount of damages has been established with competent evidence,<sup>6</sup> this Court will grant the United States' motion and enter default judgment against Defendants.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge

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<sup>5</sup> *Comdyne I, Inc. v. Corbin*, 908 F.2d 1142, 1149 (3d Cir. 1990) (“A consequence of the entry of default judgment is that the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true.”).

<sup>6</sup> See ECF No. 1-1; see also *Comdyne I, Inc.*, 908 F.2d at 1149.